IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7321 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHAGWANJIBHAI RATNABHAI BHALODIA

Versus

GUJARAT STATE ROAD TRANSPORT CORPORATON

Appearance:

MR PRABHAKAR UPADHYAY for MR MUKESH H RATHOD for Petitioner

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/07/2000

ORAL JUDGEMENT

Heard the learned counsel for the petitioner.

2. The award of the Labour Court, Rajkot dated 8-7-1988 in Reference (LCR) No.1927/87 is challenged by the petitioner in this petition. The petitioner was a

Conductor in the Corporation. He was chargesheeted for grave and serious misconduct of misappropriation of Corporation's money. An industrial dispute has been raised and reference has been dismissed under the impugned award. Hence, this special civil application.

3. Learned counsel for the petitioner has failed to point out any illegality in the award of the Labour Court. The charge which has been framed against the petitioner has been established. Only defence has been taken that from the passengers, the petitioner had not charged any fare. However, it is not in dispute that he was carrying four passengers in the bus without tickets. From the fact that four passengers were travelling without tickets an inference follows therefrom that fare has been charged by the petitioner from them. The statement of the four passenger has been recorded on the spot by the inspecting party and they have also agreed that fare has been paid to the Conductor. The petitioner also admitted the guilt at the time of inspection of the bus.

4. Taking into consideration the totality of the facts of this case, no interference is called in the award of the Labour Court. The special civil application is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

****

zgs/-